

Express Mail No.: EV 475 141 192 US

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Application of: Zeldis

Confirmation No.: 8197

Application No.: 10/749,344

Group Art Unit: 1632

Filed: December 30, 2003

Examiner: To Be Assigned

For: DRUG-COATED STENTS AND
METHODS OF USE THEREFOR

Attorney Docket No.: 9516-070-999
(CAM No.: 501872-999069)

**RESPONSE TO NOTICE TO FILE MISSING PARTS OF
NON-PROVISIONAL APPLICATION FILED UNDER 37 C.F.R. §1.53(b)**

Mail Stop Missing Parts
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

In response to the Notice to File Missing Parts of Non-Provisional Application mailed on May 5, 2004 (the "Notice") in connection with the above-identified application, Applicants respectfully submit herewith the following: (1) a Declaration executed by the inventor; (2) a Petition for Extension of Time Under 37 C.F.R. § 1.136(a) with provision for the required fee (in duplicate) for three (3) months from July 5, 2004 up to and including October 5, 2004; (4) Power of Attorney by Assignee and Exclusion of Inventors Under 37 C.F.R. 3.71 with Statement Under 37 C.F.R. 3.73(b) (including a copy of an executed assignment from the inventors to Celgene Corporation); (5) a copy of the Notice; and (6) a copy of a Patent Application Fee Value Sheet, including a copy (both sides) of a date-stamped return-receipt postcard, evidencing payment of the statutory basic filing fee and additional claim(s) fees.

The Notice indicates that the statutory basic filing fee of \$770 and total additional claim fee(s) of \$126 are required in connection with the above-identified application. Applicants submit herewith a copy of a Patent Application Fee Value sheet filed concurrently with the above-identified application authorizing payment of the statutory basic filing fee of \$770 and total additional claim fee(s) of \$126. Further submitted herewith is a copy (both sides) of a date-stamped return-receipt postcard indicating receipt of the Patent Application Fee Value sheet by the USPTO. Accordingly, Applicants believe that the statutory basic filing fee of \$770 and total additional claim fee(s) of \$126 have already been paid. However, should the USPTO determine that the statutory basic filing fee of \$770 and

total additional claim fee(s) of \$126 have not been paid, please charge these fees to Jones Day Deposit Account No. 50-3013.

Please charge the declaration surcharge fee of \$130 and any other fee(s) that may be required to Jones Day Deposit Account No. 50-3013. A duplicate copy of this sheet is enclosed.

Respectfully submitted,

Anthony M. Insogna, Reg. No. 35,203

By: Michael J. Bruner, Reg. No. 47,458

By: Michael J. Bruner (Reg. No. 47,458)

For: Anthony M. Insogna (Reg. No. 35,203)

JONES DAY

222 East 41st Street

New York, New York 10017

(858) 314-1130

Date: October 5, 2004

Enclosures

Express Mail No. EV 335 858 132 US

Date Mailed December 30, 2003

Serial No. To be assigned

Inventor Zeldis

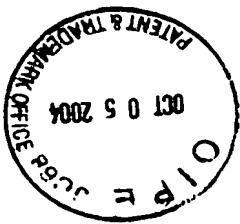
For DRUG-COATED STENTS AND METHODS OF USE THEREFOR

22390 U.S. PTO

10/749344

Filed December 30, 2003

123003



- Affidavit/Declaration
- Amendment Response
- Application 65 pages (including 1 page abstract)
- 27 Claims Drawing Sheets
- Assignment Cover Sheet
- Brief (in triplicate)
- Declaration & Power of Attorney
 - Executed Unexecuted Copy
- Declaration of Inventors
 - Executed Unexecuted Copy
- Disclosure Statement Form PTO-1449
 - w/refs.
- Drawings

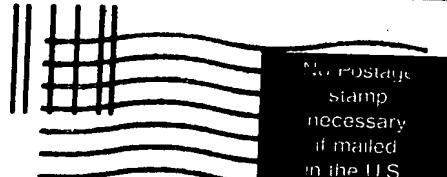
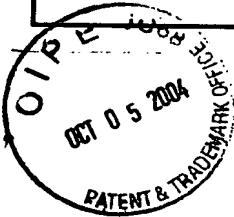
Sheets Figures

Other:

File no.: 9516-070-999

- Fee Address Indication Form
- Patent Application Fee Value Sheet with provision for fee (in duplicate)
- Issue Fee Transmittal
- Notice of Appeal
- Oral Hearing Request/Confirm
- Petition to Extend Time months
- Petition Under 37 C.F.R.
- Power of Attorney
 - By Assignee Associate w/Revocation
- Request for Correction of Filing Receipt
- Small Entity Statement
- w/o refs. Status Letter
- Utility Patent Transmittal
- Fee By Deposit Account 16-1150

Sender: AMI/MLB



BUSINESS REPLY MAIL
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POSTAGE WILL BE PAID BY ADDRESSEE

Pennie & Edmonds LLP
1155 Avenue of the Americas
New York, NY 10109-1441



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Express Mail No. **EV 335 858 132 US**

PENNIE & EDMONDS LLP
COUNSELORS AT LAW
1155 Avenue of the Americas
New York, New York 10036-2711

ATTORNEY DOCKET NO. 9516-070-999

Date: December 30, 2003

Commissioner for Patents
P.O. Box 1450
Mail Stop PATENT APPLICATION
Alexandria, VA 22313-1450

Sir:

The following utility patent application is enclosed for filing:

Applicant(s): Jerome B. Zeldis Executed on: Unexecuted
Title of Invention: DRUG-COATED STENTS AND METHODS OF USE THEREFOR

PATENT APPLICATION FEE VALUE

TYPE	NO. FILED	LESS	EXTRA	EXTRA RATE	FEE
Total Claims	27	- 20	7	\$18.00 each	\$ 126.00
Independent	1	- 3	0	\$86.00 each	\$ 0.00
				Minimum Fee	\$ 770.00
				Multiple Dependency Fee	\$ 0.00
				If Applicable (\$290.00)	
					Total
					\$ 896.00
					\$ 0.00
					Total Filing Fee
					\$ 896.00
Applicant qualifies for the 50% Reduction for Independent Inventor, Nonprofit Organization or Small Business Concern					

[] **DO NOT PUBLISH.** I hereby certify that the invention disclosed in the attached application has not and will not be the subject of an application filed in another country, or under a multilateral agreement, that requires publication at eighteen months after filing. I hereby request that the attached application not be published under 35 U.S.C. 122(b).

[x] Priority of application no. 60/437,332 filed on December 31, 2002 is claimed under 35 U.S.C. § 119(e).

[] The certified copy of the priority application has been filed in application no. filed on .

Please charge the required fee to Pennie & Edmonds LLP Deposit Account 16-1150. A copy of this sheet is enclosed.

Respectfully submitted,
By: Anthony M. Insogna, Reg. No. 35,203
Michael J. Bruner, Reg. No. 47,458 35,203
Anthony M. Insogna Reg No.
PENNIE & EDMONDS LLP

Enclosure

This form is not for use with continuation, divisional, re-issue, design or plant patent applications.



10-06-04

Page 1 of 2
IPLW

UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
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PO Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NUMBER	FILING OR 371 (c) DATE	FIRST NAMED APPLICANT	ATTORNEY DOCKET NUMBER
10/749,344	12/30/2003	Jerome B. Zeldis	9516-070-999

20583
JONES DAY
222 EAST 41ST ST
NEW YORK, NY 10017

CONFIRMATION NO. 8197

FORMALITIES LETTER



OC000000012528399

Date Mailed: 05/05/2004

NOTICE TO FILE MISSING PARTS OF NONPROVISIONAL APPLICATION

10/08/2004 AWONDAF1 00000028 503013 10749344

FILED UNDER 37 CFR 1.53(b)

01 FC:1001 790.00 DA
02 FC:1051 130.00 DA
03 FC:1202 126.00 DA

*Filing Date Granted***Items Required To Avoid Abandonment:**

An application number and filing date have been accorded to this application. The item(s) indicated below, however, are missing. Applicant is given **TWO MONTHS** from the date of this Notice within which to file all required items and pay any fees required below to avoid abandonment. Extensions of time may be obtained by filing a petition accompanied by the extension fee under the provisions of 37 CFR 1.136(a).

- The statutory basic filing fee is missing.
Applicant must submit \$ 770 to complete the basic filing fee for a non-small entity. If appropriate, applicant may make a written assertion of entitlement to small entity status and pay the small entity filing fee (37 CFR 1.27).
- The oath or declaration is unsigned.
- To avoid abandonment, a late filing fee or oath or declaration surcharge as set forth in 37 CFR 1.16(e) of \$130 for a non-small entity, must be submitted with the missing items identified in this letter.

The applicant needs to satisfy supplemental fees problems indicated below.

The required item(s) identified below must be timely submitted to avoid abandonment:

- Additional claim fees of **\$126** as a non-small entity, including any required multiple dependent claim fee, are required. Applicant must submit the additional claim fees or cancel the additional claims for which fees are due.

SUMMARY OF FEES DUE:

Total additional fee(s) required for this application is **\$1026** for a Large Entity

- **\$770** Statutory basic filing fee.
- **\$130** Late oath or declaration Surcharge.
- Total additional claim fee(s) for this application is **\$126**

- \$126 for 7 total claims over 20.

Replies should be mailed to: Mail Stop Missing Parts
Commissioner for Patents
P.O. Box 1450
Alexandria VA 22313-1450

*A copy of this notice **MUST** be returned with the reply.*

Alvin

Customer Service Center
Initial Patent Examination Division (703) 308-1202
PART 2 - COPY TO BE RETURNED WITH RESPONSE